

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 29, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

HEATHER L. R.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:22-cv-03017-LRS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the Defendant's Stipulated Motion for Remand, ECF No. 18. Based on the stipulation of the parties, the Court finds good cause to grant the motion. Accordingly, pursuant to the stipulation, **IT IS HEREBY**

ORDERED:

1. Defendant's Stipulated Motion for Remand, **ECF No. 18** is **GRANTED**.
2. This case is **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).
3. Upon remand, the Appeals Council will first determine whether a favorable decision can be issued on the record. If not, the Appeals Council will

¹ The court identifies a plaintiff in a social security case only by the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

1 remand the case to an Administrative Law Judge (ALJ) and will instruct the
2 ALJ to: (1) obtain medical expert evidence and reevaluate, in light of the
3 entire record, whether the severity of Plaintiff's mental impairments meets
4 or equals a Listing. If a Listing is not met or equaled, the ALJ will (2)
5 further develop the record; (3) address the medical opinions and indicate the
6 weight accorded to them; (4) reassess Plaintiff's residual functional capacity;
7 (5) obtain vocational expert evidence to assess whether there are job in
8 significant numbers that Plaintiff can still perform; and (6) take any action
9 necessary to complete the administrative record, offer Plaintiff the
10 opportunity for a new hearing, and issue a new decision.

11 4. Upon proper presentation, this Court will consider Plaintiff's application
12 for costs, expenses, and reasonable attorney's fees under the Equal Access to
13 Justice Act, 28 U.S.C. § 2412(a), (d).

14 5. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, and the hearing
15 and remaining briefing schedule are **VACATED** as moot.

16 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
17 Order and provide copies to counsel. Judgment shall be entered for Plaintiff and
18 the file shall be **CLOSED**.

19 **DATED** September 29, 2022.

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LONN R. SUKO

21 Senior United States District Judge